



05/23/97

810/101 A
 PATENT
 ATTORNEY DOCKET NO. 07334/004002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andrew W. Shyjan
 Serial No.:
 Filed : May 23, 1997
 Title : COMPOSITIONS AND METHODS FOR THE DIAGNOSIS,
 PREVENTION AND TREATMENT OF TUMOR PROGRESSION

Art Unit:
 Examiner:

#3/Pre-A
 J.R.
 9/26/97

Box Patent Application

Assistant Commissioner for Patents
 Washington, DC 20231

REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION

This is a request for filing a divisional application under 37 CFR 1.60, of pending prior application Serial No. 08/623,679 filed on March 29, 1996 by Andrew W. Shyjan for COMPOSITIONS AND METHODS FOR THE DIAGNOSIS, PREVENTION AND TREATMENT OF TUMOR PROGRESSION, which is a continuation-in-part of pending prior application Serial No. 08/412,431 filed on March 29, 1995 by Andrew W. Shyjan.

1. Enclosed is a true copy of the above identified prior application, including the declaration as originally filed and a copy of the signed declaration filed June 24, 1996 to complete the prior application. The true copy of the prior application is as follows: 161 pages of specification; five (5) page of claims; one (1) page of abstract; thirteen (13) sheets of drawings; and four (2) pages of declaration and power of attorney; Sequence Listing Statement under 37 CFR §1.821(f) and 29 pages of sequence listing.

"EXPRESS MAIL" Mailing Label Number EM518286979US

Date of Deposit May 23, 1997

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Lisa G. Gray

Lisa G. Gray

46250" 24423880

Applicants also include a copy of the sequence listing in paper and computer readable form (updated to include parent application data) and a new statement under 37 CFR §1.821(f). The new Sequence Listing contains no new matter.

2. Cancel in this application claims 1 through 5 and 7 through 13 of the prior application before calculating the filing fee. At least one original independent claim has been retained for the purpose of filing this application.

3. The filing fee, based on the original claims in the prior application less any claims cancelled herein, is calculated below:

CLAIMS AS FILED				
	Number Filed	Number Extra	Rate	Basic Fee
Total Claims	[14] - 20 =	[0] x	\$ 11 =	\$770
Independent Claims	[4] - 3 =	[1] x	\$ 40 =	[***]
Multiple Dependent Claims			\$130 =	[40]
				[***]
			Total Filing Fee =	\$810.00

4. Please amend the specification by replacing lines 5 and 6, on page 1, with the sentence: - This is a divisional of copending application Serial No. 08/632,679, filed March 29, 1996, ^{now U.S. Patent No. 5,674,739} which is a continuation-in-part of U.S. Serial No. 08/412,431, filed March 29, 1995, ^{now U.S. Patent No. 5,433,161} --

5. With respect to the prior application from which this application claims benefit under 35 U.S.C. 120, the inventor named in this application is the same as the one named in the prior application. The inventorship for the claims in this application is the same.

6. The prior application is assigned of record to Millennium Pharmaceuticals, Inc., a Delaware corporation, by virtue of an assignment submitted to the Patent and Trademark Office for recording on June 26, 1996 at Reel 8003, Frame 0981.

7. Enclosed is a check for the filing fee of \$810.00.


8. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 06-1050. A duplicate of this request is enclosed.

9. The power of attorney in the prior application is to J. Peter Fasse, Reg. No. 32,983. The power appears in the true copy of the prior application. Address all future communications to J. Peter Fasse at Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804.

MA

Respectfully submitted,

Date: 5-23-97


J. Peter Fasse
Reg. No. 32,983

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

Telephone: 617/542-5070
Facsimile: 617/542-8906
241351.B11